

COMMISSION TO STUDY PUBLIC HEALTH

May 21, 2004
Meeting Summary

Members Present: Rep. Margaret Craven, W. Christopher DeSerres, Elanna Farnham, Pam Hageny, Dr. Robert Holmberg, Sandy Hunter, Lori Kaley, Barbara Leonard, Rep. Sarah Lewin, Ann London, Sen. John Martin, Ruth McNiff, Tom Nelson, Karen O'Rourke, Elizabeth Patten, Barbara Raymond, Dr. N. Burgess Record, Colleen Rioux, Dr. Stephen Sears, Dr. Stephen Shannon, Dr. Jonathan Shenkin, Deb Silberstein, Michelle Small, Dr. Janet Whatley Blum, and Jennifer Willey.

Members Absent: Richard Durost, Oakley Jones, Sandi Kottman, Richard Lyons, David Stockford, and Sen. Karl Turner.

Staff Present: James R. Adolf and Phillip D. McCarthy, Legislative Analysts

1. Procedural Update

Rep. Craven convened the Commission meeting and reviewed the agenda. Staff addressed some procedural and administrative points, including distribution of materials, staff coverage and future meetings.

2. Presentation: Donald Nicholson

Donald Nicholson of Farmington provided a presentation concerning the "obesity pandemic." He discussed a model for healthier eating based on the teachings of professor of nutrition Walter C. Willett, and proposed that public health be advanced through the provision of public education focusing on Dr. Willett's nutritional guidelines.

3. Reports of Subcommittees

At a prior meeting, the Commission created the following subcommittees: Subcommittee on State Employment and Nutrition; Subcommittee on Schools, Children and Nutrition; and Subcommittee on Government Involvement in Nutritional Choice. Each subcommittee reported on its activities during the legislative session, including draft recommendations to be discussed by the Commission for possible inclusion in the Commission's final report and proposed legislation. The reports were as follows:

A. Subcommittee on State Employment and Nutrition

This subcommittee, whose tasks include making recommendations concerning strategies for improving the public health of State employees through such initiatives as fitness centers, improved nutritional offerings and prevention and counseling as part of health coverage, presented 7 draft recommendations for discussion by the Commission:

- Require that the State Office of Employee Health and Benefits implement a comprehensive, population-based approach including nutrition counseling, physical activity, health risk identification and management, and offer incentives for participation.
- Create a procedure for expediting approval of projects related to employee health.
- Promote availability of healthy food options at cafeterias and snack bars and in vending machines, with a goal of 50% healthy options.
- Develop system for gathering information about usage/consumption of items offered in vending machines and at snack bars and cafeterias.
- Require analyses of nutritional content of popular items offered in vending machines and at snack bars and cafeterias, and require posting of nutritional content and calories of these items.
- Require appointment of a wellness coordinator for each department and link these positions with food choice committees for snack bars and cafeterias.
- Track State employees' BMI (Body Mass Index) through check-ups and offer insurance coverage for counseling and intervention for employees with BMI over a specific target.

Questions and comments of Commission members:

- Division of the Blind has total control over food contracts for State facilities.
- Can any State department currently track consumption of foods offered in State facilities? Can inventory simply be monitored?
- Vending machine companies already are under pressure to offer more healthy choices, and many are doing so.
- Mandating inclusion of healthy foods in vending machines leads to increased costs (e.g. refrigerated machines may be needed), which could hurt vending machine providers.
- BUT increased demand for healthy choices in vending machines will bring cost down.
- Why limit goal of healthy food choices to 50% -- why not 100%? What is the timeframe for achieving this goal? Should have 5-year ramp-up for 100% healthy choices.
- **Commission consensus: raise goal to 100% healthy offerings.**
- Currently, not many healthy choices are offered. If choices are limited to healthy food, employees will follow – in many State buildings, employees are a captive audience.
- Providing caloric information for food offerings will help enable employees to make healthy choices.
- What is the current status of the State employee health and wellness program?

- In its findings the Commission should note the correlation between overweight and diseases.
- Should insurance coverage for BMI counseling and intervention be mandatory or suggested? If this service is part of standard medical protocol, must it be reimbursed by insurers?

B. Subcommittee on Schools, Children and Nutrition

This subcommittee, whose tasks include analyses of the nutrition of food offerings in schools, physical education in schools, advertising of food to children and adoption of a nutrition pyramid, provided a number of draft reforms for discussion by the Commission, in seven areas:

- Advertising and media: evaluate food advertisements directed at children under 12 and study possible restrictions; levy a tax on advertisements for foods of “poor nutritional value,” and ban these ads from school grounds; and promote healthy lifestyles.
- School nutrition: ensure that food and beverage items sold outside of meal programs adhere to federal standards and limit fats content included; ensure that food or beverages are not used as rewards; extend lunch periods; post caloric information and improve nutrition information in schools; that portions be appropriate; limit milk to low-fat or non-fat and juices to 100% juice; and utilize the Farm to School program.
- Vending machines: limit offerings to healthy foods that adhere to federal standards and single-serving standards, and introduce milk products.
- BMI study: evaluate students using trained and sensitive staff, for BMI, and collect data and provide to schools; and ensure that insurance covers counseling and intervention for children based on BMI.
- Physical activity: construct bicycle/walking paths; expand physical activity in schools outside of recess, and require such activity for all students; include health and physical education in assessment; promote physical education in communities; and enable the Department of Education to employ a physical education consultant.
- Carbonated beverage tax: levy a tax on carbonated beverages and dedicate revenue for use in school health programs.
- Permanent Commission: make this Commission permanent to study and support ongoing wellness programs.

Questions and comments of Commission members:

can include walks, etc., and can be provided in short blocks of time. These terms need to be defined.

- Physical activity or physical education should not be used as reward or punishment in schools.
- Parents need to be educated on a regular basis about health and obesity.
- Should the issue be turned over to the Department of Education to determine how much physical activity is appropriate?
- Should other initiatives, such as school bus stops (rather than pick-up at individual homes) be considered?
- Note: no new tax proposals have been adopted by the full Commission at this time.

C. Subcommittee on Government Involvement in Nutritional Choice

This subcommittee, whose tasks include making recommendations concerning methods of encouraging healthy food choices through public assistance programs, analysis of laws on size discrimination and labeling of nutritional information in restaurants, presented draft recommendations in three areas:

- Public benefits programs: the subcommittee declined to recommend that recipients of public assistance such as food stamps be barred from purchasing unhealthy foods, as these regulations are set at the federal level. The subcommittee instead recommended that Dirigo Health, the Food Stamp program and retail grocers work collectively to provide incentives for healthy food purchases.

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- Discrimination laws: no changes were proposed at this time, as State discrimination law is broad and flexible enough to accommodate issues of personal size.
- Restaurant labeling: the subcommittee is still reviewing the history of LD 391 from last session, and is inclined to recommend inclusion of the bill, as it was offered in amended form, as part of the Commissions recommended proposals, but has not reached a final determination at this time.

Questions and comments of Commission members:

- Electronic charging of food stamp purchases can now be used to track usage and provide data.
- The subcommittee should look at the guidelines of the American Academy of Pediatrics and determine whether the WIC program follows these guidelines.
- A representative of the Maine Restaurant Association should be present at future discussions of the restaurant labeling proposal.

4. Planning for Next Meeting

The Commission scheduled its next full meeting for **Tuesday, August 3, 2004, at 9:00 a.m. in Room 228 of the State House**. At that time, each subcommittee will present a final version of its suggested recommendations for the Commission to consider. Each subcommittee will be scheduling a meeting before the full Commission's next meeting to discuss further and finalize its proposed recommendations.

Sen. Martin announced that he was planning to schedule a public hearing after the next full Commission meeting. Public testimony would be invited on the Commission's proposed recommendations. He also indicated that he thought the Commission could wrap up its work by the beginning of September.

5. Adjournment

The Commission was adjourned at 12:00 p.m.

Respectfully submitted,

James R. Adolf, Legislative Analyst
Phillip D. McCarthy, Legislative Analyst